

REMARKS

Claims 1-14 are pending. Claims 3-8 and 11-14 are withdrawn from consideration.

Claim rejections under 35 U. S. C 112

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as semicrystalline form of silicate is not described in the original specification of the present application.

Claims 1, 2, 9 and 10 are further rejected under U.S.C. 112, second paragraph, as the term of "semicrystalline form of silicate" is not defined in the instant specification, and thereby is unclear and indefinite.

In response, claims 1, 2, 9 and 10 are amended to delete recitation to "semicrystalline." Accordingly, the amendment renders moot the rejection of the claims under U.S.C. 112, second paragraph. It is respectfully requested that the Examiner withdraws the rejection of claims 1, 2, 9 and 10, as amended.

Information disclosure statement

The Examiner asks for a submission of an information disclosure statement listing and providing copies of all the references incorporated in the specification of the present application. Accordingly, a copy of these references with the information disclosure statement are enclosed with the present Amendment.

Claim rejections under 35 U.S.C. 102

Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Marler et al. (U.S. Patent 5,147,838). The Examiner states that Marler discloses every limitation of the claims 1, 2, and 9 of the present application. Marler does not teach nor suggest that the silicate composition is a pharmaceutical composition for therapeutic or prophylactic use as recited in claims

1, 2 and 9. The crystalline porous chalcogenides disclosed in Marler are used as catalyst for hydrocarbon conversion (col. 1, lines 16-23 and col. 10, lines 23-30).

Hence, Marler does not anticipate claims 1, 2 and 9. Accordingly, it is respectfully submitted that the rejection of claims 1, 2 and 9 under 35 U.S.C. 102(b) as being anticipated by Marler be withdrawn.

Claims rejections under 35 U.S.C. 103

Claims 1, 2, 9 and 10 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Dorn (U.S. Patent 4,927,750) in view of Young (U.S. Patent 3,846,337). Dorn describes a composition comprising silica with the preferred particle size of 30-220 Angstroms and as large as 600 Angstroms. The composition is used for the separation and purification of biological cells and subcellular components. The Examiner states that the composition taught by Dorn can be designed to be non-toxic to cells and used in isolating living cells. Therefore, the Examiner states that the composition taught by Dorn can be used in other forms such as pharmaceutical compositions. The Examiner further states that every limitation of claims 1, 2, 9 and 10 is taught by Dorn except for the limitation that the silicates are in crystalline form.

Young teaches methods and compositions for generating crystalline silicates. Crystalline silicates are used to produce catalysts that are able to retain their shape and size during mechanical abrasion when the catalysts are shipped, loaded in reactors and used in reaction processes. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to make the presently claimed invention by combining the teachings of Dorn and Young. We respectfully traverse.

There is no basis to combine Dorn and Young. Dorn teaches the use of the compositions comprising silica to separate and purify biological cells. Young teaches that in order

for silicates to act as durable catalysts, they should be crystalline. There is no motivation for one skilled in the art of pharmaceutical compositions to take the teaching of Dorn and combine it with the teaching of Young to arrive at the presently claimed pharmaceutical composition. Dorn and Young come from very different technical fields, and there is no suggestion in either to form the combination that the Examiner states would render the present claims obvious. Accordingly, it is respectfully requested that the rejection of claims 1, 2, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Dorn in view of Young be withdrawn.

Based on the above, it is respectfully submitted that the pending claims are now in a condition for allowance.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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